Chapter 2. PROJECT DESCRIPTION

2.1 Project Objectives

The proposed project, as defined in the Final Supplemental Environmental Document (FSED) certified by the Commission on August 30, 2002, is the regulation of Pacific herring fisheries under the State's jurisdiction. The regulations are considered for inclusion in the California Code of Regulations (CCR) to implement the State's policies for managing the commercial use of Pacific herring (sections 163, 163.5, and 164, Title 14, CCR). The proposed project and alternatives addressed in this Draft Supplemental Environmental Document (DSED) take the form of recommendations for amendment or change to the existing body of regulations. The recommendations and alternatives are based on biological assessments of existing stock conditions and comments received from interested individuals, commercial fishermen, and from the Director's Herring Advisory Committee (DHAC). The California Fish and Game Commission (Commission) has legislatively-delegated authority to act on these recommendations.

Project objectives include (not ordered by priority):

- Maintaining healthy Pacific herring stocks in California;
- Controlling commercial harvest of Pacific herring to maintain a sustainable fishery;
- Providing sufficient Pacific herring to conserve living resources of the ocean that utilize herring as a food source; and
- Providing sufficient Pacific herring to support recreational take.

Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Commission shall prescribe (Section 8550 California Fish and Game Code). Current regulations specify permit qualifications, permit validation requirements, permit limitations, permit areas, seasons, fishing quotas, gear restrictions, and landing and monitoring requirements.

The proposed project addressed by this DSED consists of amendments and changes to existing regulations for the 2004-05 commercial herring fishing season. The proposed project adjusts fishing quotas by area and gear type. Quota recommendations for San Francisco Bay and Tomales Bay are primarily based on the most recent assessments by the Department of Fish and Game (Department) of the size of the spawning populations of herring in those areas. Other proposed amendments and changes are intended to improve the efficient and orderly conduct of herring fisheries and the management of herring stocks.

2.2 Project Locations

Permits have been issued for commercial herring fishing in five geographically distinct areas of the ocean and estuarine waters under the jurisdiction of the State of California (Figure 2.1). Many of the regulations considered by this document are specific to an area and type of fishing operation. This section describes each area in which regulatory changes are proposed, including current commercial fisheries for herring, and proposed seasons, quotas, and geographical restrictions for those fisheries. A complete description of commercial herring fishing areas is provided in Section 2.2 of the FED. The environmental setting for each geographical fishing area is detailed in Section 3.3 of the FED.

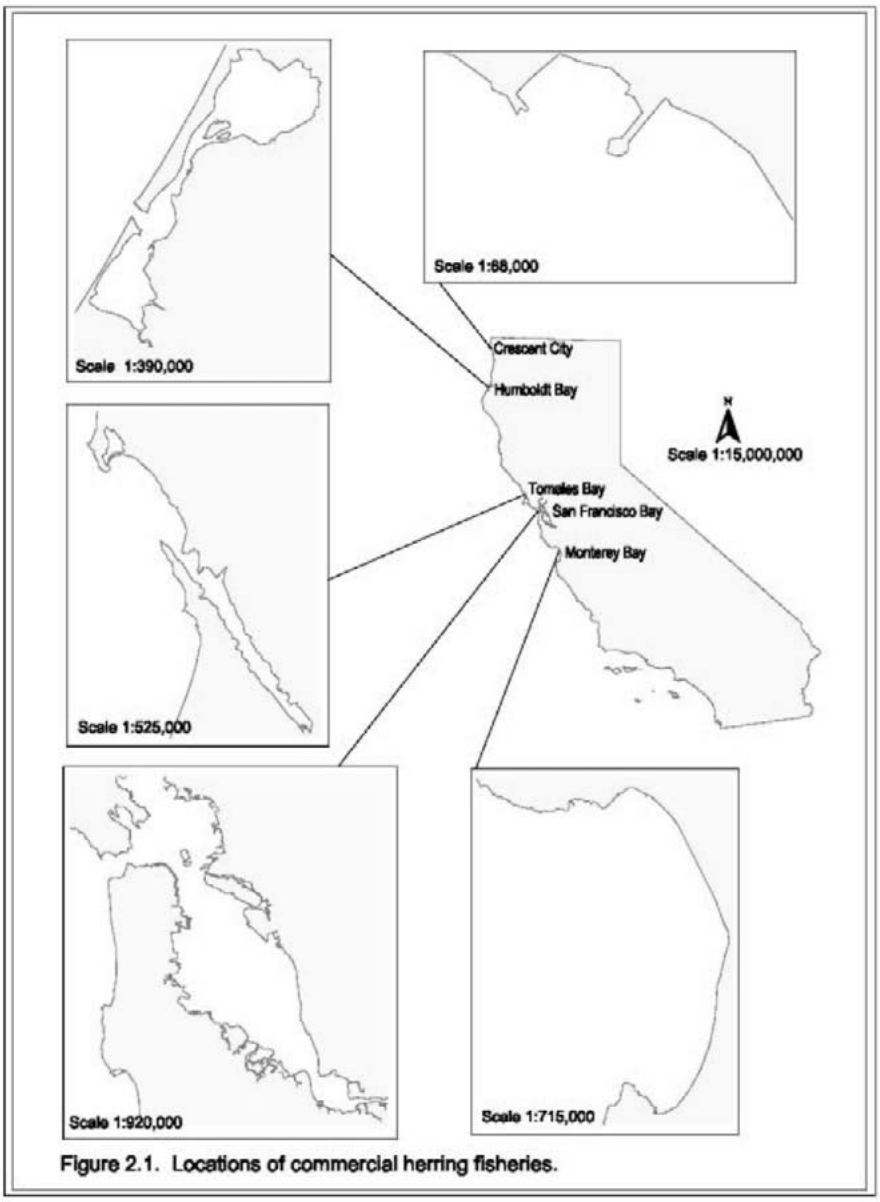


Figure 2.1. Locations of commercial herring fisheries.

2.2.1 San Francisco Bay

The proposed commercial herring fishing dates and quotas by location are as follows:

2.2.1.1 Roe Herring Fishery

Season: 5:00 p.m. on December 5, 2004 until noon on December 23, 2004, and 5:00 p.m. on January 4, 2005 until noon on March 11, 2005.

Note: Herring fishing is not permitted from noon on Friday through 5:00 p.m. on Sunday (Section 163 (h)(5), Title 14, CCR).

Gill net permittees (DH) December 5-10, December 12-17, December 19-23, and, if necessary, after other platoons have reached their quotas, until the DH quota is reached or the last day of the season.

Gill net permittees (Even #) January 2-7, January 16-21, February 6-11, February 20-25, and March 6-11.

Gill net permittees (Odd #) January 9-14, January 23-28, February 13-18, February, 27 - March 4.

Quota: 3,440 tons

Note: The overall quota for the herring roe fishery will be reduced by transfers to the herring eggs-on-kelp fishery, and the fresh fish market quota (See Section 2.2.1.2 and 2.2.1.3)

Area: Waters of Districts 12 and 13 and that portion of District 11 lying south of a line extending from Peninsula Point (the most southerly extremity of Belvedere Island) to the easternmost point of the Sausalito ferry dock.

1) Regulations prohibit the setting or operating of nets within 300 feet of the following piers and recreation areas: Berkeley Pier, Paradise Pier, and San Francisco Municipal Pier between the foot of Hyde Street and Van Ness Avenue, Pier 7 (San Francisco), Candlestick Point State Recreation Area, the jetties in Horseshoe Bay, and the fishing pier at Fort Baker. Regulations also prohibit the setting or operating of nets within 70 feet of Mission Rock Pier.

2) Regulations prohibit the setting or operating of nets in Belvedere Cove north of a line drawn from the tip of Peninsula Point to the tip of Elephant Rock. Regulations also prohibit the setting or operating of gill nets from November 15 through February 15 in the area

bounded by a line drawn from the middle anchorage of the western section of the Oakland Bay Bridge (Tower C) to the Lash Terminal buoy #5 to the easternmost point at Hunter's Point (Point Avisadero), from Point Avisadero to the Y "A" buoy to Alameda NAS entrance buoy #1 (entrance to Alameda Carrier Channel) to the Oakland Harbor Bar Channel buoy #1, and then from the first Bar Channel buoy to Tower C of the Bay Bridge.

3) Other closures affecting the fishery include United States Coast Guard enforced Homeland Security Zones: 25 yards around all Golden Gate and Bay Bridge abutments and piers;100 yards around and under any High Interest Vessels; and Naval Vessel Protection Zones which extend 100 yards around all Naval Vessels at all times and a 500 yard slow zone surrounding all Naval Vessels. The United States Coast Guard will also enforce Rule 9 of the Code of Federal Regulations (CFR) regarding channel and harbor blockages.

2.2.1.2 Herring Eggs-on-Kelp (HEOK) Fishery

Season: December 1, 2004 to March 31, 2005

Quota: An individual quota of 1.7 tons for transferred gill net permits, and an individual quota of 6.0 tons for transferred "CH" permits.

Note: The combined quota for harvest of herring eggs on kelp depends on the number of "CH" and gill net permits transferred to the herring eggs on kelp fishery.

Area: Waters of Districts 11, 12, and 13, and that portion of District 2 known as Richardson Bay.

Note: The area open to the herring eggs-on-kelp fishery is further restricted. Rafts and lines may not be placed in any waters or areas otherwise closed or restricted to the use of herring gill net operations, except the areas known as Belvedere Cove and Richardson Bay or except where written permission is granted by the owners or controlling agency (e.g., Navy, Coast Guard). When rafts or lines are placed in Belvedere Cove or Richardson Bay, they must be tied to a permanent structure (e.g. pier or dock).

2.2.1.3 Fresh Fish Market Fishery (not for roe purposes) San Francisco Bay

Season: November 2 through November 15, 2004 and April 1 through October 31, 2005.

Quota: 20 tons, except that 10 tons total may be transferred to gill net permittees participating in research sponsored by the Department.

Note: No permittee may take or possess herring except in the amount specified on a current daily market order, not to exceed 500 pounds, from a licensed fish dealer.

Area: Same as the roe herring fishery.

2.2.2 Tomales Bay

The proposed Department commercial herring fishing dates and quotas by location are as follows:

2.2.2.1 Roe Herring Fishery

Season: 5:00 p.m. on Sunday, December 26, 2004 until noon on Friday, December 31, 2004, and from 5:00 p.m. on Sunday, January 4, 2005, until noon on Friday, February 25, 2005.

Note: Herring fishing is not permitted from noon on Friday through 5:00 p.m. on Sunday (Section 163 (h)(5), Title 14, CCR).

Quota: The total take of herring for roe purposes shall not exceed 400 tons for the season. However, if spawning escapement reaches or exceeds 4,000 tons prior to February 15, 2005, the quota shall be increased as follows: 1) if the spawning escapement is more than 4,000 tons, the total take of herring shall not exceed 500 tons for the season.

Area: Tomales Bay includes the waters of District 10 lying south of a line drawn west 252^0 magnetic, from the western tip of Tom's Point to the opposite shore.

2.2.2.2 Fresh Fish Market Fishery (not for roe purposes) Tomales Bay

Season: November 2 through November 15, 2004 and April 1 through October 31, 2005.

Quota: 10 tons

Note: No permittee may take or possess herring except in the amount specified on a current daily market order, not to exceed 500 pounds, from a licensed fish dealer.

Area: Same as roe fishery.

2.3 Project Characteristics

The proposed project recommends continuation of the existing regulations as modified by changes discussed below for San Francisco and Tomales bays. No modifications are proposed for Crescent City Harbor area, Humboldt Bay, and open ocean herring fisheries. These regulations, as amended, will assist in the control of the commercial harvest of herring at a level that meets the State's policy with respect to the use of aquatic resources. This section states the specific purpose of the regulations and summarizes the factual basis for the regulation.

The commercial roe herring and eggs-on-kelp fisheries are closely regulated through a catch-quota system to provide for adequate protection and utilization of the herring resource. The Department conducts annual assessments of the size of the spawning population of herring in San Francisco and Tomales bays (Sec 3.2.2.1, FED). These data serve as the basis for establishing fishing quotas for the following season.

The principal regulatory changes proposed for the 2003-04 season included: a recommended closure for the San Francisco Bay herring fishery (Option 1 and the Department's preferred option) , resulting in a quota of zero tons, and a 300-ton quota for Tomales Bay. The Department also provided the Commission a second option of a fishery quota of 2,220 tons based on the lowest quota proposed in San Francisco during the past ten years, coupled with a shortened season (December 1, 2003 to February 13, 2004). The regulatory changes proposed for the 2003-04 season were approved, with Option 2 for a 2,200 ton quota and shortened season, by the Commission in August 2003.

Annual herring spawning population estimates from biomass surveys in San Francisco and Tomales bays have been conducted by the Department since 1973. Spawning ground surveys were conducted during the 1974-75, 1975-76, 1990-91, and discontinued following the 1991-92 in Humboldt Bay; surveys were

resumed beginning with the 2000-01 season. In San Francisco Bay, hydroacoustic and spawning ground surveys are used to estimate spawning biomass. In Tomales and Humboldt bays, spawning biomass estimates are based solely on spawning ground surveys. Hydroacoustic surveys use an echo sounder which transmits sound waves from a transducer on a boat and records reflected echoes to determine the size and density of fish schools (Section 3.2.2.1.2 of the FED). Spawning ground surveys assess the total number of eggs spawned and use this to calculate the parental population size (Section 3.2.2.1.1 of the FED).

From 1990 through 2003, the Department derived the spawning biomass estimate by meshing the results of the spawn deposition and hydroacoustic surveys. Beginning with the 2003-04 season, the Department is conducting hydroacoustic surveys, but primarily as a secondary assessment tool to the spawn deposition survey. Spawning biomass estimates for San Francisco and Tomales bays are shown in Figure 2.2 and 2.3, respectively. The Department does not conduct spawning biomass surveys in the Crescent City Harbor area.

Figure 2.2 Pacific Herring Spawning Biomass Estimates for San Francisco Bay 1978-2004.

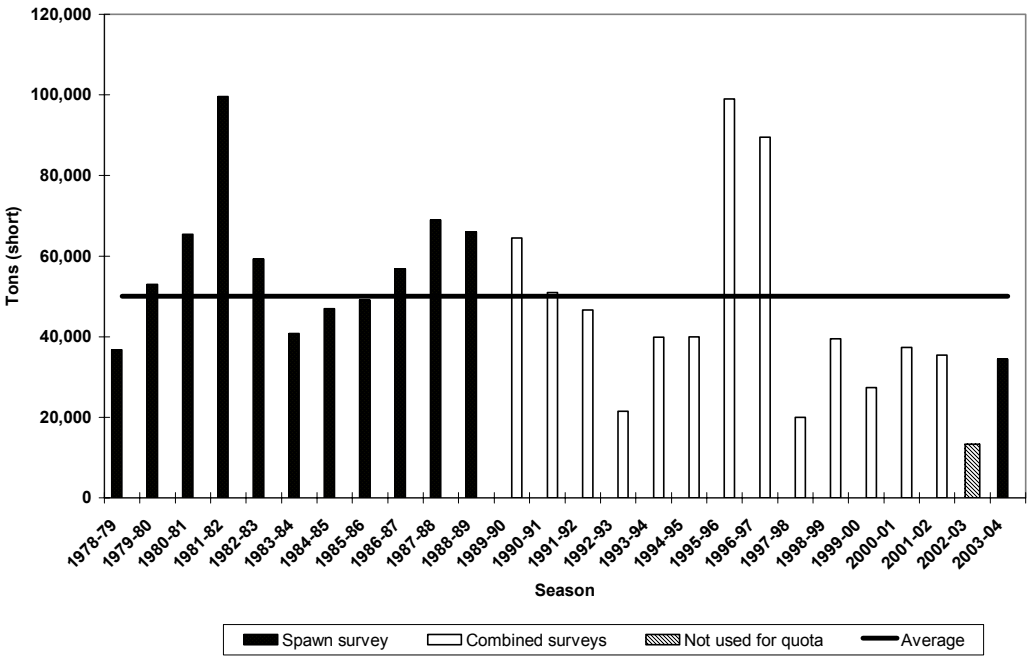
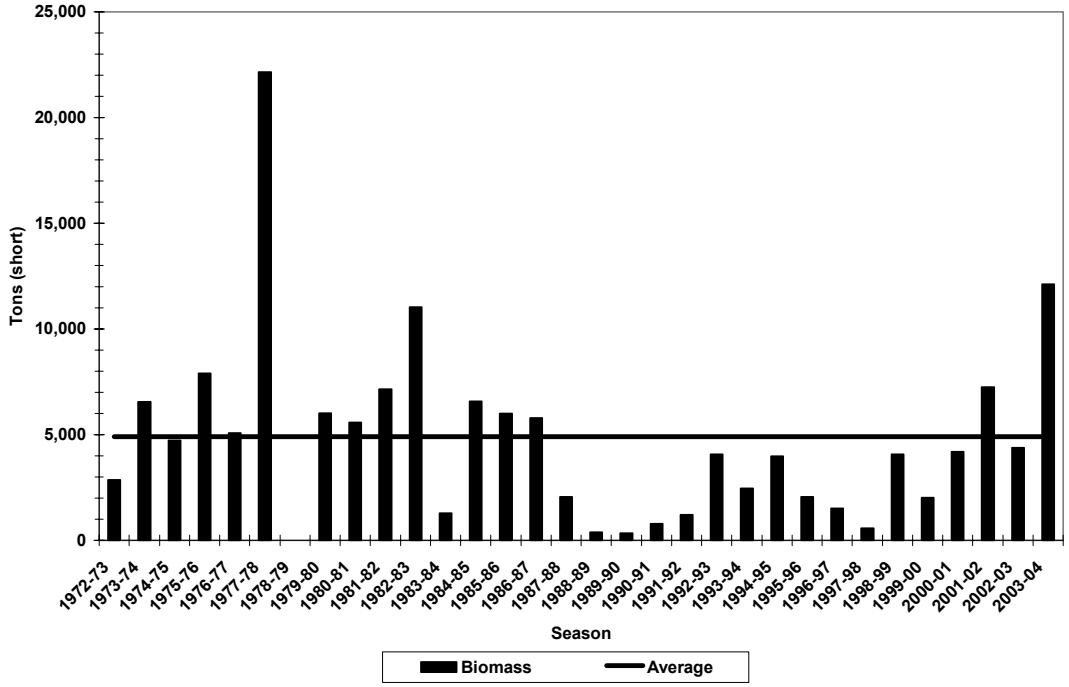
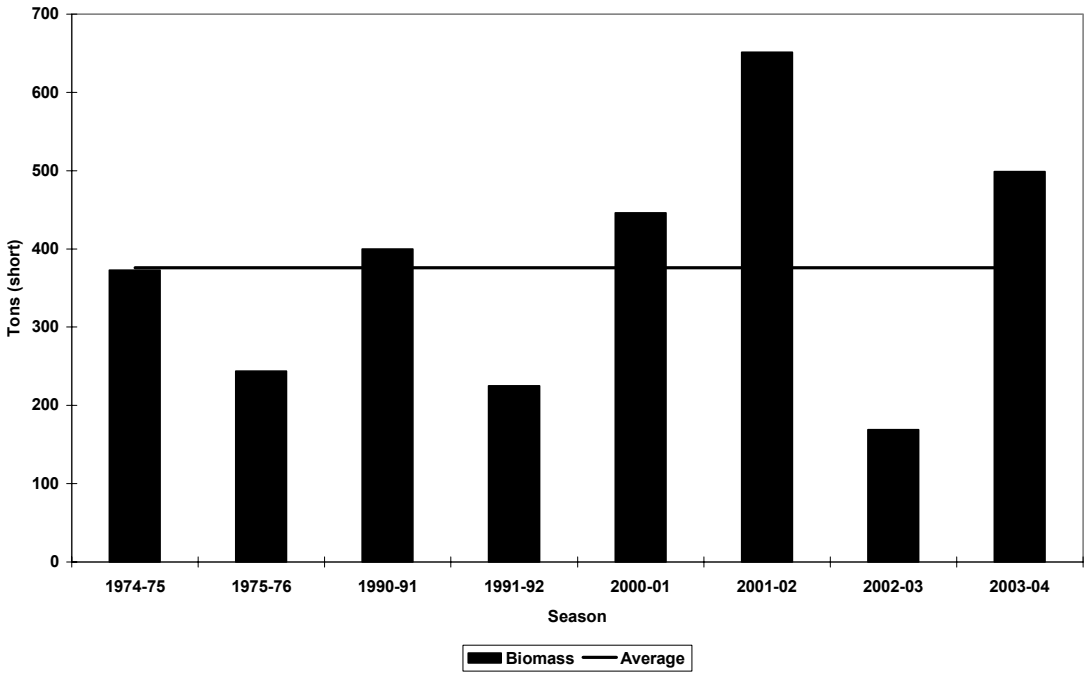


Figure 2.3 Pacific herring spawning biomass estimates for Tomales Bay



Note: No spawning biomass surveys were conducted in the 1978-79 season.

Figure 2.4 Pacific Herring Spawning Biomass Estimates for Humboldt Bay



Annual roe herring fishery quotas are conservative and limit the total commercial catch to no more than 20 percent of the previous season's spawning biomass estimate. The previous season's biomass is considered the best available estimate of the quantity of fish returning the following season. This exploitation level was selected, based on computer model simulations developed by the Pacific Fisheries Management Council (Section 3.2.4 of the FED), to help ensure adequate protection of the herring resource and to provide for long-term yield of the fishery. Typically, exploitation rates of no more than 15 percent are recommended to prevent the 20 percent maximum harvest rate from being exceeded. Quotas are not determined by a fixed percentage; they are modified based on additional biological and fishery data collected each season, such as growth rates, strength and importance of individual year-classes, recruitment of incoming year-classes, and oceanographic conditions.

The 2003-04 spawning biomass estimate for San Francisco Bay is 34,400 tons, which is below the 27-year average of 50,071 tons. Landings from the San Francisco Bay roe herring fishery totaled 1,568 tons, 632 tons less than the 2,200-ton quota. This harvest level is 4.5 percent of the season's spawning biomass estimate. The 2003-04 estimate for Tomales Bay is 12,124 tons, which is a 177 percent increase from the 2002-2003 season, and it is the second largest in the history of the Tomales Bay fishery. Tomales Bay roe herring landings totaled 278 tons, 222 tons less than the 500-ton season quota, and 2.3 percent of the season's estimated spawning biomass.

The spawn escapement estimate for 2003-04 Humboldt Bay is 505 tons. This is close to a three-fold increase over last season's estimate of 167 tons and 158 tons higher than the eight year average from seasons when spawn deposition surveys were conducted in Humboldt Bay. The commercial Pacific herring landings were low for the 2003-04 season with 0.5 tons landed. This is the second lowest season recorded for the Humboldt Bay fishery. This harvest level is less than one percent of the season's spawning biomass estimate.

In addition to annual changes in quotas, management recommendations to improve or provide for the efficient harvest and orderly conduct of the herring fisheries are solicited from interested fishermen, individuals at public meetings, and DHAC. The proposed amendments to sections 163, 163.5 and 164, Title 14 CCR, addressed by this DSED, reflect both Department and the public recommendations brought forward by the Department.

2.3.1 Roe Herring Fisheries

2.3.1.1 San Francisco Bay 2004-05 Quota

The 2003-04 spawning biomass estimate for San Francisco is 34,400 tons (including catch), which is below the 27-year average of 50,071 tons. One of the Department's herring fishery management goals is to allow the harvest of age four and older herring and to avoid the harvest of two and three year old fish which are first time spawners. However, since the 1997-98 El Niño, the estimated numbers of age four and older herring which support the gill net fishery

have declined. There has also been an increase in the number of three year old herring in the catch.

The proposed quota for the 2004-05 San Francisco Bay herring fishery is 3,440 tons, representing 10 percent of the 34,400 ton estimated spawning biomass. A harvest rate of 10 percent will provide for a target for stock rebuilding and ad address the Department's concerns regarding the population size and age structure.

Within the overall quota in San Francisco Bay, separate quotas are established for each gill net platoon (i.e., December ("DH"), Odd, and Even platoons). The overall quota is divided among the three platoons in proportion to the number of permits assigned to them. Slight annual adjustments in the quota portions assigned for each platoon are needed to account for attrition of permittees and the use of sac roe herring permits in the herring eggs-on-kelp fishery.

2.3.1.2 Tomales Bay 2004-05 Quota

The Tomales Bay 2003-04 spawning biomass estimate is 12,124 tons, which is 177 percent more than the 2002-03 biomass estimate of 4,382 tons. This season's spawning biomass estimate is 199 percent greater than the previous eleven season average of 3,327 tons. During the 2003-04 season, the commercial gill net catch for the Tomales Bay herring fishery was below the maximum seasonal quota of 500 tons, and did not exceed the historic 300-ton initial quota. The 280 tons landed during the 2003-04 season was the fourth highest landing since the fishery was re-opened in the 1992-93 season, and greater than the 200 ton average catch in this period.

For the 2004-05 season, the Department proposes to set the initial Tomales Bay catch quota at 400 tons, which is 3.3 percent of the 2003-04 estimated spawning biomass of 12,124 tons. While the Department generally sets Tomales Bay initial quotas at 10 percent of the previous season's spawning biomass, the Department is in the midst of a mesh size study that allows permittees to use a gill net mesh size of 2 inches, which is smaller than the 2 ⅛

inch mesh allowed prior to the mesh size study. A proposed quota based upon 10 percent of the 2003-04 spawning biomass combined with unknown effects of the use of 2-inch mesh, dynamic oceanic conditions, and the historic fluctuation in the herring population, would not be consistent with the Department's conservative management strategy. The proposed one-year continuation of the mesh size study originally approved for the 2000-01, 2001-02 and 2002-03, 2003-04 seasons only, will allow the Department to continue to evaluate the effect of reduced mesh length on the size and age composition of herring caught in 2-inch mesh gill nets.

The Department's proposal also provides for an increased initial quota that reflects improvement in the Tomales Bay herring population, which has seen four consecutive seasons of above average (since the fishery was re-opened in 1992-93) spawning biomass. Since the fishery re-opened, the exploitation rate averaged 4.9 percent. The exploitation rate during this period has exceeded 10 percent twice, in the 1995-96 and 1996-97 seasons, at 17 percent and 14.7 percent. Since the implementation of the "one net per permittee" restriction, the Tomales Bay commercial catch has only exceeded 300 tons twice, during the 1995-96 and 2001-02 seasons. Despite an increase in the initial quota, the proposed initial quota of 400 tons provides a conservative starting point for next season. The quota has been set at an exploitation rate of less than 10 percent of the average spawning biomass since the fishery was re-opened in the 1992-93 season.

Due to the relative small scale of the Tomales Bay fishery, the Department has provisions in the regulations that allow for in-season quota increases should the spawning biomass support such increases. Refer to Section 2.2.2 of this DSED. The proposed regulations also contain provisions to increase the quota based on in-season estimates of spawning escapement. If the spawning escapement reaches or exceeds 4,000 tons prior to February 15, 2005, the quota shall be increased to a total take of herring which shall not exceed 500 tons for the season.

2.3.1.3 Humboldt Bay and Crescent City 2004-05 Quota

The 2003-04 herring season marked the fourth consecutive year that spawning ground surveys and commercial fishery monitoring and assessment were carried out in Humboldt Bay since these surveys were discontinued following the 1991-1992 herring season. Spawn escapement for 2003-04 was estimated to be 505 tons, close to a three-fold increase above the 2002-03 season's estimate of 167 tons. The total spawning biomass estimate (spawn escapement plus commercial catch) was 506 tons, well above estimates from surveys conducted during the 1974-75, 1975-76, 1990-91, and 1991-92 seasons, which recorded a spawning biomass in Humboldt Bay of 372, 232, 400, and 225 tons, respectively. Spawn escapement data from current and historic surveys suggests that the Humboldt Bay spawning population can support the 60-ton seasonal quota established in 1983.

Despite the increase in spawning biomass the commercial Pacific herring landings were low for the 2003-04 season in Humboldt Bay with just over 0.5 tons landed. This is the second lowest season on record for Humboldt Bay, and just a fraction of the average total landings per year of 39 tons since 1983 when the current quota of 60 tons was set. For the last five seasons the average total landings per year was close to 20 tons with a range of 0.1 tons in 2000 to 61.2 tons in 2001. Although commercial landings in the Humboldt Bay herring fishery have been well below average the last two seasons, spawn assessments conducted by the Department during the same time period show that herring were entering the bay in schools to spawn. The 2003-04 spawn escapement estimate of 505 tons, if used as a basis for setting the Humboldt Bay fishery quota, would result in a conservative exploitation rate of 12 percent with a quota set at 60 tons. The average yearly spawn escapement from the last four spawn assessment surveys conducted since the 2000-2001 season is 417 tons. A 60 ton quota based on this average would result in a 14 percent exploitation rate, which would result in a conservative rate of harvest.

The Department does not conduct annual spawning biomass assessments in the Crescent City Harbor area. Although all permits are active,

no herring have been landed in the Crescent City Harbor area since the 2001-02 season. The Department proposes no changes to quotas for the Humboldt Bay or Crescent City Harbor area herring fisheries for the 2004-05 season. The proposed quota for Humboldt Bay and Crescent City are 60 tons and 30 tons, respectively.

2.3.1.4 Season Dates

Season opening and closing dates for San Francisco and Tomales bays, as well as the dates of various provisions of the regulations, are adjusted each year to account for annual changes in the calendar. The consensus of the DHAC, which met on March 25, 2004, was to recommend that the dates of the roe herring fisheries in San Francisco Bay be set from 5 p.m. on Sunday, December 5, 2004 to noon on Thursday, December 23, 2004 ("DH" gill net platoon only), and re-opened at 5:00 p.m. on Sunday, January 2, 2005. At the April 30, 2004 DHAC meeting the consensus was to set the season closing date at noon on Friday, March 11, 2005. The consensus among Tomales Bay permittees was to recommend opening at 5:00 p.m. on Sunday, December 26, 2004 until noon on Friday, December 31, 2004, and from 5:00 p.m. on Sunday, January 2, 2005 to noon on Friday, February 25, 2005. The season dates for the herring eggs on kelp fishery are December 1 through March 31 and do not change annually. The Department concurs with these recommendations.

2.3.2 Herring Eggs-on-Kelp (HEOK) Fishery

In addition to annual changes in the quota, management recommendations to improve or provide for the efficient harvest and orderly conduct of the herring fisheries are solicited from interested fishermen, individuals at public meetings, and the DHAC. The proposed amendments to Section 164, Title 14 CCR reflect both Department and the public recommendations brought forward by the Department. These proposed amendments are discussed below.

2.3.2.1 Definition of a Prior Permittee

The HEOK permittees have requested that the requirement, as specified in subsection (f)(1)(b), that a person defined as a prior permittee participating in the herring eggs on kelp fishery suspend kelp for herring eggs on kelp fishing during the immediately preceding season be removed. This requirement was originally proposed by fishery participants to ensure that those participants who had a previously vested interest in the fishery be given priority in applying for a HEOK permit. The proposed amendment will still give priority to those with a vested interest in the fishery, while not imposing an economic burden to suspend kelp during seasons of poor fishing conditions. The proposed language has no negative effect to the resource. The Department supports the proposed amendment to subsection (f)(1)(b) to change the requirement to specify that a permittee must have renewed their herring eggs on kelp permit for the immediately preceding herring eggs on kelp season. The proposed change would also specify that the permittee must have submitted all fees from previous seasons.

2.3.2.2 Definition of a Line Used in HEOK Fishing

Subsection (j) defines a line used in HEOK fishing. The Department is proposing to further define a line with the requirement that floats or cork shall be attached over the entire length of line. The purpose of this requirement is to assist Department enforcement in identifying both the length of the line and the point at which it is attached to a permanent structure. The attached floats on the line will also prevent the line from becoming a hazard to navigation.

2.3.2.3 Clarification of Requirements Regarding Brining HEOK Product

Subsections (k)(5) and (k)(9) reference requirements in association with processing operations. The processing operations of specific concern are the brining of herring eggs on kelp product. Currently these subsections refer to “processing operations” and “processing”. In order to clarify this requirement and remain consistent with subsection (e)(3) of these regulations, the Department is

proposing to amend these subsections to read “brining”.

2.3.2.4 Corrections and Clarifications

The following changes are proposed to provide for the efficient operation and orderly conduct of the fishery, to improve the clarity of the regulations, and to provide for the protection of the resource:

- Revise the Herring Eggs on Kelp Permit Application number from FG 1406 (10/02) to FG 1406 (8/03).
- Specific language was added to subsection (i) for the 2003-04 season only. This language pertained to the proposed closure of the San Francisco Bay herring fishery for the 2003-04 season. This language pertained to the proposed closure of the gill net fishery for the 2003-04 season. The Department proposes removing this specific language as it is no longer relevant.

2.4 Project Alternatives

Three alternatives to the proposed project are considered. These alternatives were examined and detailed in the FED, 1998, and reexamined as they apply to this DSED. Two of these alternatives take the form of additional changes to the existing regulations that could feasibly be joined. The third alternative is a no project (no fishery) alternative. In evaluating alternatives, the comparative merits and impacts of individual alternatives that could be logically and feasibly joined should be considered as so joined unless otherwise stated. The alternatives to be considered under this DSED are:

- Alternative 1 (no project, i.e. no fishery, alternative). Under this alternative, the commercial harvest of herring would be prohibited.
- Alternative 2 (existing regulations). Under this alternative, existing regulations would be modified only by adjusting quotas to reflect current biomass estimates and by adjusting dates to reflect changes in the calendar.
- Alternative 3 (individual vessel quota for gill net vessels in herring

roe fishery). Under this alternative the proposed regulations would be modified by establishing an individual vessel quota for all gill net vessels. The proposed individual gill net vessel quota would equal the overall gill net quota divided by the number of permittees using gill net gear.

The following section states the specific purpose of the alternatives and summarizes the factual basis for determining that the alternatives are reasonably necessary.

2.4.1 Alternative 1 (no project)

This is a CEQA required alternative. It provides a reference for comparison to the proposed project and alternatives 2 and 3.

2.4.2 Alternative 2 (existing regulations)

The existing regulations for the commercial herring fishery are for the 2003-04 season. This alternative would apply those 2003-04 season regulations to the 2004-05 season, with changes in the quotas to reflect current biomass estimates and changes in season dates to reflect annual changes in the calendar. None of the other amendments to the regulations contained in the proposed project would be considered.

2.4.3 Alternative 3 (individual vessel quota)

This alternative would establish an individual herring quota for each San Francisco Bay gill net permittee. Under existing regulations [Section 163(g)(4)(C), Title 14, CCR] an overall herring quota is established for each of the three gill net groups (platoons) in San Francisco Bay, allowing individual permittees to take and land as much fish (tonnage) as they are capable of until the overall quota for their respective group is reached. An individual permit quota has been suggested each season for the past several years. However, there has never been a clear consensus of support or opposition among industry members about this issue. The Department is concerned about the level of enforcement effort that would be necessary to effectively monitor and enforce this alternative.

See Section 2.4.3 of the FED for a full description of this alternative.